

## **REMARKS**

Claims 1 and 3-11, and 14-23 are now pending in the application. Claims 4-8 and 17-21 have been previously withdrawn from consideration. Claims 1, 3, 9-16 and 22-26 stand rejected. Claim 2 has been previously cancelled, and Claims 12, 13 and 24-26 have been cancelled herewith. Claims 1, 11, 14 and 16 have been amended herewith, and Claims 27 and 28 are new. Support for the amendments and the new claims can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3, 11-16, and 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fowkes et al. (U.S. Pat. No. 4,339,015, hereinafter "Fowkes") in view of Riemer et al. (U.S. Pat. No. 5,662,184, hereinafter "Riemer"). Claims 9, 10, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fowkes in view of Riemer as applied to Claims 1 and 14 above, and further in view of Finamore (U.S. Pat. No. 6,969,545, hereinafter "Finamore"). These rejections are respectfully traversed.

Applicants respectfully assert that none of the cited references teach or disclose a reserve tank having a cross frame rail or a fuel cell system in which reserve fuel is stored in a cross frame rail. Specifically, Applicants note Fowkes discloses an internal combustion engine 26 used as a charging unit to charge batteries 22, which supply power to an electric motor 31 (see at least Column 2,

Lines 37-40 and 50-55). The electric motor 31 drives the vehicle through a transmission system 29, 33 (see at least Column 2, Lines 52-60). Fuel is supplied to the internal combustion engine 26 through the frame 17 (see at least Column 2, Lines 42-45). In particular, the fuel is supplied internally through two parallel longitudinal rails, through fuel supply pipes 28, and into the engine 26 as shown Figure 2.

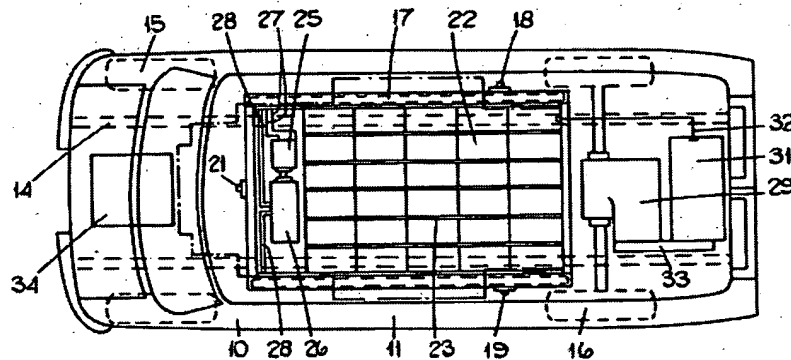


FIG. 2.

Fowkes does not teach or suggest whatsoever the fuel being supplied through a cross frame rail. Further, the fuel supplied to the internal combustion engine 26 through the frame 17 comprises the only source of fuel for the internal combustion engine 26, and is not a reserve tank for either the internal combustion engine 26 or the electric motor 31.

With regard to Reimer, Applicants note Reimer discloses an arrangement of a fuel cell system in a vehicle, in which a fuel tank 17 is located in the rear of the vehicle. The fuel tank 17 provides the primary source of fuel for a fuel cell

reformer. The hydrogen gas generated by the reformer is transmitted to a fuel cell stack 15 located in the front of the vehicle. Reimer does not disclose whatsoever storing fuel in frame rails. Finamore teaches a hydrogen storage medium for storing hydrogen within a container. Finamore discloses that the hydrogen is supplied through an inlet 22. Finamore does not disclose whatsoever a fuel being supplied through a frame rail.

In contrast to Fowkes, Reimer, and Finamore, independent Claim 1 has been amended to recite:

a fluid storage volume defined in an elongated rail portion of the frame assembly, said fluid storage volume being **in fluid communication with said fuel cell system** to provide an operational fluid thereto, said operational fluid being selected from the group consisting of a fuel, an oxidant and a cooling fluid;

\* \* \*

wherein said elongated rail portion comprises a plurality of elongated rail portions, said plurality of elongated rail portions including at least one cross frame rail, **said fluid storage volume being defined within at least one of said cross frame rail and at least one of said elongated rail portion** (emphasis added).

Further, independent Claim 14 has been amended to recite:

a frame assembly including a plurality of elongated rails, including **at least one cross frame rail** and at least one longitudinal frame rail;

\* \* \*

**a fluid storage volume defined within said at least one cross frame rail** and said at least one longitudinal cross rail, and in communication with said power train to provide an operational fluid thereto, said operational fluid being selected from the group consisting of said hydrogen-containing fuel, said oxidant and said cooling fluid (emphasis added).

In view of the above discussion, Applicants respectfully assert that Claims 1 and 14 are not taught nor suggested by either Fowkes, Reimer or Finamore, either alone or in combination as none of the cited references teach or disclose a reserve fuel being stored in a cross frame rail. Fowkes discloses merely supplying fuel to an internal combustion engine through a longitudinal frame rail and a fuel supply pipe. Applicants respectfully submit a fuel supply pipe is not equivalent to a cross frame rail whatsoever. Reimer discloses supplying fuel to a fuel cell stack via a conduit coupled to a reformer system. Finamore does not disclose any source of fuel for the hydrogen storage container.

Accordingly, as none of the cited references teach or suggest each element of Applicants' Claims 1 and 14, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 1 and 14 under 35 U.S.C. §103(a).

With regard to Claims 3, 9, 10, 11, 15, 16, 22 and 23, Applicants note these claims depend either directly or indirectly from independent Claims 1 or 14, and, thus, these claims should be in condition for allowance for the reasons set forth for Claims 1 and 14 above. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 3, 9, 10, 11, 15, 16, 22 and 23 under 35 U.S.C. §103(a).

#### **NEW CLAIMS**

Applicants have added new Claims 27 and 28 to further define Applicants' teachings. Support for this new claim can be found in Applicants' specification and drawings as filed and, as such, this new claim does not constitute new matter. In


addition, Applicants respectfully assert new Claim 27 is allowable as none of the cited references teach, suggest or disclose whatsoever a fluid storage volume defined within the cross frame rail and the longitudinal frame rail and in fluid communication with a power train to provide a hydrogen-containing **gas** to a fuel cell. Accordingly, Applicants respectfully assert new Claim 27 is patentable and in condition for allowance. With regard to Claim 28, as Claim 28 depends from Claim 27, this claim is also believed to be patentable and in condition for allowance. Favorable consideration of these claims is respectfully requested.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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